

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

L & T YACHT SALES, INC.,

Plaintiff,

v.

POST MARINE CO., INC.,

Defendant.

BOSTON DIVISION
C.A. No. 05-11682-MLW

**DEFENDANT POST MARINE CO., INC.'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT
AND SUPPORTING MEMORANDUM ON NUNC PRO TUNC BASIS**

Defendant Post Marine Co., Inc. ("Post") hereby requests that the Court grant Post leave on a *nunc pro tunc* basis to file its supplemental motion for summary judgment (docket number 54) and supporting memorandum (docket number 55). As grounds, Post states as follows:

1. Although not filed within the deadline set forth in the Court's scheduling order, the supplemental motion presents a question of law which can and should be decided in advance of the scheduled trial.

2. Judicial economy will be served if the supplemental motion is allowed, in that there will be no need for a jury trial.

3. Plaintiff has filed an opposition dealing with the merits of the supplemental motion, and therefore will not be prejudiced if the Court considers and acts on the supplemental motion.

DEFENDANT

By its counsel,

/s/ Howard M. Brown

Howard M. Brown

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